

AN ORDINANCE 100820

APPROVING THE SECOND AMENDMENT TO THE GOLF FOOD AND BEVERAGE AGREEMENT WITH POLANCO AND COMPANY, L.L.C., TO REVISE REVENUE PAYMENT TO THE CITY DURING FOUR (4) MONTHS IN EACH YEAR FOR THE DURATION OF THE CONTRACT FROM SIXTEEN PERCENT (16%) TO TWELVE PERCENT (12%), EFFECTIVE IN FISCAL YEAR 2006.

* * * * *

WHEREAS, the City owns and operates six municipal golf courses and one Par 3 driving range; and

WHEREAS, Polanco and Company, L.L.C. has operated the food and beverage concession at these facilities since 2002, following a Request for Proposal process and concessionaire selection by the City; and

WHEREAS, in June 2003, their contract was amended, including a change of ownership of the company; and

WHEREAS, the company has had difficulty meeting financial requirements and has continually asked for a reduction in the percentage paid to the City during weak golf participation months in order to cover their operating costs; and

WHEREAS, the proposed amendment will reduce the percentage paid to the City from 16% to 12% during November, December, January and February each year, while all other months will remain at 16%; and

WHEREAS, the proposed amendment will also reduce the required performance bond from \$100,000.00 to \$75,000.00 for the remaining contract term; and

WHEREAS, City staff recommends the proposed amendment as advantageous to the City by bringing stability to the City's food and beverage services at its golf facilities; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. The Interim City Manager, or his designee, is hereby authorized to execute a second amendment to the Golf Food and Beverage Agreement with Polanco and Company, L.L.C. to revise revenue payment to the City during four (4) months in each year for the duration of the contract from sixteen percent (16%) to twelve percent (12%) and lower the required performance bond amount from \$100,000.00 to \$75,000.00, provided, however, if golf rounds played increase above the number played during the last twelve (12) months, the revenue payment to the City will automatically revert to 16% for all months of the year

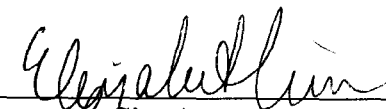
for the rest of the term remaining. A copy of the Amendment in substantially complete form is attached hereto as exhibit I.

Section 2. This ordinance shall become effective on and after May 15, 2005.

PASSED AND APPROVED this 5th day of May, 2005.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Voting Results

Name: Item 23 - Reconsideration vote

Date: 05/05/05

Time: 03:59:53 PM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4			x	
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9			x	
CHIP HAASS	DISTRICT_10			x	
MAYOR ED GARZA	MAYOR		x		

Agenda Voting Results

Name: 23. Reconsideration of item 23

Date: 05/05/05

Time: 03:56:44 PM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4			x	
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9			x	
CHIP HAASS	DISTRICT_10			x	
MAYOR ED GARZA	MAYOR		x		

Agenda Voting Results

Name: 23.

Date: 05/05/05

Time: 03:51:37 PM

Vote Type: Multiple selection

Description: An Ordinance approving the second amendment to the Golf Food and Beverage Agreement with Polanco and Company, L.L.C., to revise revenue payment to the City during four (4) months in each year for the duration of the contract from sixteen percent (16%) to twelve percent (12%), effective in Fiscal Year 2006. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2				x
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4			x	
PATTI RADLE	DISTRICT 5			x	
ENRIQUE M. BARRERA	DISTRICT 6			x	
JULIAN CASTRO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8			x	
CARROLL SCHUBERT	DISTRICT 9			x	
CHIP HAASS	DISTRICT_10			x	
MAYOR ED GARZA	MAYOR		x		

**THE GOLF COURSE AND DRIVING RANGE
FOOD AND BEVERAGE SERVICE CONTRACT
AMENDMENT NO. 2**

The City of San Antonio, hereinafter called "City", entered into a contract with Polanco & Company, L.L.C., hereinafter called "Concessionaire", pursuant to Ordinance No. 96179, passed and approved by the City Council of the City of San Antonio on August 8, 2002, and amended on June 23, 2003 through Ordinance No. 97881. Both the City and Concessionaire wish to amend said contract and hereby agree to the following amendments to said contract to be effective April 1, 2005:

1) Section 5.1.1 is amended to read as follows:

"5.1.1 16.00% of gross sales *during the eight (8) months of March through October and 12% of gross sales during the four (4) months of November through February*, for the duration of the Contract, pro rata share payable monthly."

2) Section 11.1 is amended to read as follows:

"The performance bond or other performance guarantee acceptable to the City shall not be less than \$75,000 each year, and will remain in effect for the entire length of the contract."

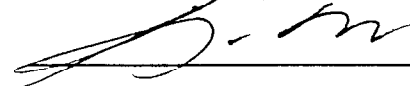
3) Section 6.1.2 is added as follows:

"City shall develop a process of inclement weather notification for opening and closing of concession operations, which shall be followed at all golf course sites."

All other terms and conditions of the current agreement remain in full force and effect.

Executed this _____ day of _____, 2005.

POLANCO & CO., L.L.C.



Title:

PRESIDENT

CITY OF SAN ANTONIO

J. Rolando Bono
Interim City Manager

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney